

JEFFERSON COUNTY ATTORNEY'S OFFICE

PO BOX H BOULDER, MT 59632

Mathew J. Johnson  
County Attorney

(406) 225-4010  
(406) 225-4049 - fax

EXHIBIT 2  
DATE 3-12-07  
SB Kellie Doherty 339  
Paralegal/Investigator

Tiffany Heaton  
Deputy County Attorney

Ed Krasinski  
Victim/Witness Advocate

Local Government Committee (House)  
Montana Legislature  
Helena, MT 59634

March 8, 2007

Re: Support For Senate Bill 339

Dear Chairman and fellow Committee Members:

The following are facts in support of Senate Bill 339:

- Jefferson County has its own *Growth Policy, Subdivision Regulations* and citizen initiated *Zoning Commission* to regulate growth in north Jefferson County, protect water, industry, and the County's rural way of life.

- The issue is this: **Why would a municipality not agree that a neighboring county has a say in what happens to that county's established regulations protecting its citizens?**

*In considering that the City of Helena has water quality problems, I have to assume that they want Jefferson County's clean watershed as north Jefferson County's few hundred septic systems on Prickly Pear Creek are dwarfed in comparison to over ten thousand septic systems within Lewis and Clark County surrounding Helena.*

- The Lewis and Clark County Seat (Helena) intends to annex property from within Jefferson County imposing its own regulations and high density growth. This is in violation of Jefferson County residents' due process and equal protection under the constitution as citizen approved regulations would be quashed by a neighboring government.

*Jefferson County is currently litigating this issue right now because the neighboring county seat is so intent on forcing itself into Jefferson County even though Jefferson County has made numerous attempts to compromise and work with Helena.*

- Senate Bill 339 would resolve problems associated with annexation across county lines.

*It is apparent that the Legislature has not considered this unique situation in past annexation laws as the Attorney General found no legislative statute that prevents the very situation described even though its results ignore the legal rights of Jefferson County landowners.*

- Senate Bill 339 does not prevent annexation.


*It only requires county approval based upon whether a planned annexation would harm legitimate county regulations or not.*

- Finally, this bill is legally sound.

*Counties have a process in place to consider a landowner's request to seek a change in zoning or to acquire a variance. As long as the landowner's request to annex meets county regulations or a variance is granted, their request for annexation would be legitimately granted, there is nothing arbitrary or capricious about that.*

Please support Senate Bill 339.

Sincerely,



Mathew J. Johnson  
Jefferson County Attorney





JEFFERSON COUNTY, MONTANA

# Newsletter

February \_\_, 2007

## County Considers a Study of Water and Sewer for the Montana City Area

The Jefferson County Commissioners are considering a study of the feasibility of central water and sewer facilities for the Montana City and Jefferson Hills area. A public hearing on the subject will be held on \_\_\_\_\_. This area has been growing rapidly in recent years and the time may have come to evaluate the technical and financial feasibility of central water and wastewater facilities. These central facilities would be owned, operated and managed by a water and sewer district. The proposed study area is presented on the inside pages of this newsletter. Considerations in proposing this boundary include topography for gravity sewer service, land ownership, current land use designation, and population density.

Water and wastewater projects of this nature are typically able to achieve financial assistance through a variety of state and federal sources. However, it is important to point out that these sources have limited funding and given the size of the proposed MT City project, it will be necessary to break the project up into several smaller phases. Exactly how many phases and how much money will be needed is not yet known and will be the primary focus of future study efforts.

The study and funding process is typically initiated with the preparation of a Preliminary Engineering Report. This report will evaluate the current and future population of the study area, describe regulatory issues, characterize potential problems and, in general, establish the technical and financial feasibility of centralized water and wastewater facilities. If, based on the results of the Preliminary Engineering Report, the community decides to move forward, the Report will be used to support the formation of a water and sewer district and future funding requests from state and federal agencies.

## Current Conditions

There are 400 to 500 homes in the proposed sewer district boundary representing a population between 1000 and 1250 persons. These homes, along with several commercial facilities discharge their wastewater through septic systems to the groundwater. The area is rapidly growing putting even more pressure on groundwater. As the area continues to grow, it will become increasingly difficult to get septic permits, especially for commercial facilities. This will have the effect of limiting economic growth in the area.

## What is a Water and Sewer District?

A water and sewer district is a local governmental entity with specific authority to own, operate and maintain water and wastewater facilities. The district boundaries are formed through a petition and hearing process with the final boundaries being voted on by the residents and land owners within the proposed boundary. The district is governed by a Board of Directors, also elected by the residents and landowners within the district boundaries. It is important to understand that forming a water and sewer district does not obligate the public within the district boundaries to water or sewer infrastructure improvements. A separate bond election is necessary to incur debt for new capital improvements. Forming a district does make the area eligible for state and federal financial assistance.

## Meeting on Public Water and Sewer for Montana City Area

**Date:**

**Time:**

**Location:**

**Presented by: County Commissioners**

**Dave Aune, Great West Engineering**

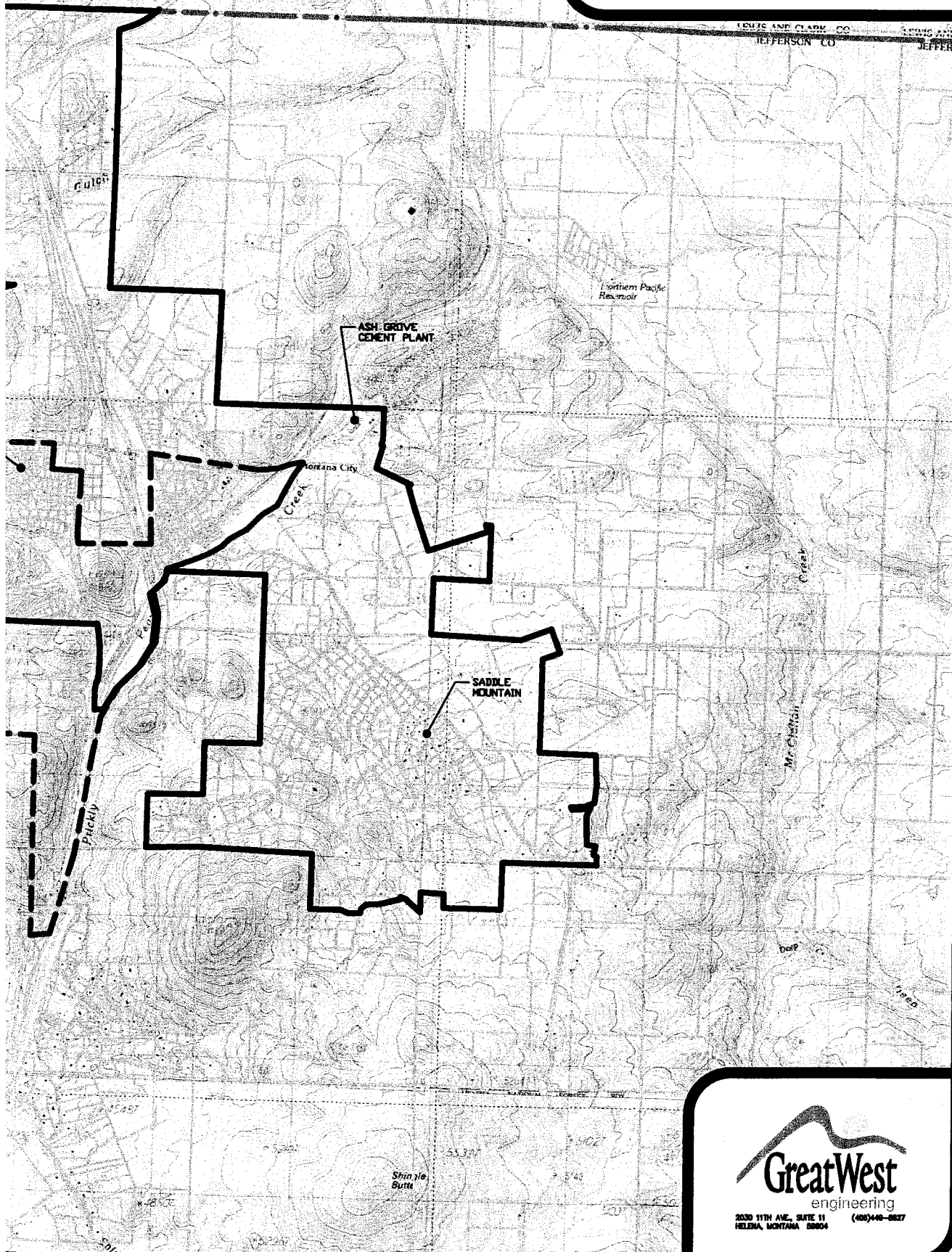
**Agenda:**

- ▶ Background Concerns and Issues
- ▶ Presentation of Proposed Study Area Boundary
- ▶ Study and Funding Process
- ▶ Water and Sewer District Formation
- ▶ General Discussion



## LEGEND

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- PROPOSED STUDY AREA BOUNDARY  
 JEFFERSON COUNTY LINE  
 HIGH DENSITY RESIDENTIAL ZONE  
 PARCELS  
 STREAMS



# **Public Facilities Project Typical Implementation Process**

**Prepare Preliminary Engineering  
Report (PER) and Select  
Alternative**

**Prepare Grant  
Applications**

**Funding Agency and  
Legislature Review and Ranking  
of Grant Applications and PERs**

**Finalize Funding & Conduct  
Bond Debt Election**

**Project Design**

**Project Bidding**

**Project Construction**